

Greg Dovel (*pro hac vice*)
Christin Cho (*pro hac vice*)
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
Tel: 310-656-7066
Email: greg@dovel.com
christin@dovel.com

Michael Wilson (VSB No. 48927)
MICHAEL WILSON PLC
12733 Storrow Rd.
Henrico, Virginia 23233
Tel: 804-614-8301
Email: mike@mgwilsonlaw.com

Counsel for Plaintiff

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re)	Chapter 11
)	
TOYS “R” US, INC., <i>et al.</i> , ¹)	Case No. 17-34665 (KLP)
)	
Debtors.)	(Jointly Administered)
)	
TRU CREDITOR LITIGATION TRUST,)	
)	
Plaintiff,)	Adv. Proceeding No. 20-03038-KLP
)	
v.)	
)	
DAVID A BRANDON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**PLAINTIFF’S MOTION FOR ENTRY OF AN ORDER AUTHORIZING
PLAINTIFF TO FILE MOTION AND ACCOMPANYING DOCUMENTS UNDER SEAL**

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are set forth in the *Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Docket No. 78]. The location of Debtors’ service address is One Geoffrey Way, Wayne, NJ 07470.

Plaintiff seeks entry of an order, substantially in the form attached hereto as Exhibit A, authorizing Plaintiff to file under seal its unredacted opposition to Defendants' motion for summary judgment, as well as its statement of facts, vendor appendix and exhibits to that motion.

Basis for Relief

1. The basis for the requested relief is Sections 105 and 107 of Title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the "Bankruptcy Code") and Bankruptcy Rules 9014 and 9018.

2. As discussed in Dkt. 326 (Defendants' Motion to File Statement of Facts under Seal), motions to seal are a protective device that can be used to protect information that has been designated as confidential.

3. The Trust's opposition brief, statement of facts, vendor appendix, and accompanying exhibits, each contain documents and testimony that has been designated as Confidential and Highly Confidential. Due to those designations, the Trust's brief, statement of facts, and accompanying exhibits bearing those designations should also be filed under seal.

4. To preserve the public's right of access, the Trust will file redacted versions of its opposition and the accompanying statement of facts.

Waiver of Memorandum of Law

5. As there are no novel issues of law presented in this Motion, Plaintiff requests that the requirement that all motions be accompanied by a separate memorandum of law be waived.

Notice

6. Plaintiff will provide notice of this application via email to counsel for Defendants.

No Prior Request

7. No prior request for the relief sought in this motion has been made to this or any other court.

WHEREFORE, Plaintiffs respectfully request that the Court enter the Proposed Order granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

TRU CREDITOR LITIGATION TRUST

By: /s/ Michael Wilson
Counsel

Greg Dovel (admitted *pro hac vice*)
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
Tel: 310-656-7066
Email: greg@dovel.com

- and -

Michael Wilson (VSB No. 48927)
MICHAEL WILSON PLC
12733 Storrow Rd.
Henrico, Virginia 23233
Tel: 804-614-8301
Email: mike@mgwilsonlaw.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January 2022, I caused a copy of the foregoing pleading to be served by electronic means through the Court's ECF system and emailed to counsel for the Defendants.

James C. Cosby, Esq. (VSB No. 25992)
J. Brandon Sieg, Esq. (VSB No. 84446)
O'HAGAN MEYER, PLLC
411 E. Franklin Street, Suite 500
Richmond, Virginia 23219
jcosby@ohaganmeyer.com
bsieg@ohaganmeyer.com

-and-

Robert I. Bodian, Esq.
Scott A. Rader, Esq.
Amanda B. Asaro, Esq.
Kerime S. Akoglu, Esq\
MINTZ LEVIN COHN FERRIS
GLOVSKY and POPEO, P.C.
Chrysler Center
666 Third Avenue, 25th Floor
New York, New York 10017
RIBodian@mintz.com
SARader@mintz.com
ABAsaro@mintz.com
KSAkoglu@mintz.com

/s/ Michael Wilson

Michael G. Wilson

EXHIBIT A (PROPOSED ORDER)

Greg Dovel (*pro hac vice*)
 Christin Cho (*pro hac vice*)
DOVEL & LUNER, LLP
 201 Santa Monica Blvd., Suite 600
 Santa Monica, California 90401
 Tel: 310-656-7066
 Email: greg@dovel.com
 christin@dovel.com

Michael Wilson (VSB No. 48927)
MICHAEL WILSON PLC
 12733 Storrow Rd.
 Henrico, Virginia 23233
 Tel: 804-614-8301
 Email: mike@mgwilsonlaw.com

Counsel for Plaintiff

**UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF VIRGINIA
 Richmond Division**

In re)	Chapter 11
)	
TOYS “R” US, INC., <i>et al.</i> , ²)	Case No. 17-34665 (KLP)
)	
Debtors.)	(Jointly Administered)
TRU CREDITOR LITIGATION TRUST,)	
)	
Plaintiff,)	Adv. Proceeding No. 20-03038-KLP
)	
v.)	
)	
DAVID A BRANDON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**ORDER AUTHROIZING PLAINTIFF TO FILE
 OPPOSITION BRIEF AND RELATED DOCUMENTS UNDER SEAL**

Upon the motion of Plaintiff for an entry of an order authorizing Plaintiff to file under seal its Opposition to Defendants’ Motion for Summary Judgment, statement of facts, vendor appendix, and accompanying exhibits; and this Court having jurisdiction over this matter

² The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are set forth in the *Order (I) Directing Joint Administration of Chapter 11 Cases and (II) Granting Related Relief* [Docket No. 78]. The location of Debtors’ service address is One Geoffrey Way, Wayne, NJ 07470.

pursuant to 28 U.S.C. §§ 157 and 1334 and the Standing Order of Reference from the United States District Court for the Eastern District of Virginia, dated July 10, 1984; and that this Court may enter a final consent order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. § 1409; and this Court having found that Plaintiff's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing, therefore it is HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. Plaintiff is authorized to file its Opposition to Defendants' Motion for Summary Judgment, its statement of facts, its vendor appendix, and the accompanying exhibits under seal.
3. The requirement to file a memorandum of law in connection with the Motion is waived.
4. Notice of Motion as provided herein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) are satisfied by such notice.
5. Notwithstanding Bankruptcy Rule 6004(h), the terms and Conditions of this Order are immediately effective and enforceable upon its entry.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated:

Signed: _____
THE HONORABLE KEITH L. PHILLIPS
UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Michael Wilson
Michael G. Wilson (VSB #48927)
MICHAEL WILSON PLC
12733 Storrow Rd.
Henrico, Virginia 23233
Tel: 804-614-8301
Email: mike@mgwilsonlaw.com

- and -

Greg Dovel (*pro hac vice*)
Christin Cho (*pro hac vice*)
DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
Tel: 310-656-7066

Counsel to the Plaintiff

LOCAL BANKRUPTCY RULE 9022-1(C) CERTIFICATION

Pursuant to Rule 9022-1(C)(1) of the Local Rules of Bankruptcy Procedure for the Eastern District of Virginia, the undersigned counsel hereby certifies that this Order has been served upon or endorsed by all necessary parties.

/s/ Michael Wilson
Michael Wilson